

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

LAUREL HEIGHTS APARTMENTS §  
§  
*Plaintiff* §  
§  
v. § CASE NO. 5:17-cv-00888  
§ JURY  
GREAT LAKES REINSURANCE (U.K.) §  
PLC F/K/A GREAT LAKES §  
REINSURANCE (U.K.) SE §  
§  
*Defendant* §

**NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Please take notice that Defendant, Great Lakes Insurance SE, f/k/a Great Lakes Reinsurance (UK), SE (incorrectly named “Great Lakes Reinsurance (U.K.) PLC f/k/a Great Lakes Reinsurance (U.K.) SE” and hereinafter referred to as “Defendant”), while fully reserving all rights and defenses, files this Notice of Removal to the United States District Court for the Western District of Texas, San Antonio Division. In support of its Notice of Removal, Defendant respectfully shows as follows:

**I. NATURE OF THE PENDING STATE CASE**

1. On or about August 4, 2017, Plaintiff, Laurel Heights Apartments (“Plaintiff”) filed, a civil action styled *Laurel Heights Apartments v. Great Lakes Reinsurance (U.K.) PLC F/K/A Great Lakes Reinsurance (U.K.) SE*, under Cause No. C2017-1329D in the 433<sup>rd</sup> Judicial District Court of Comal County, Texas.

2. That matter is an insurance dispute, wherein Plaintiff alleges in its Original Petition that its property, located at 483 Laurel Lane, New Braunfels, Comal County, Texas

78130 and insured under a policy issued by Defendant, sustained wind and/or hail damage on May 23, 2015. Plaintiff further alleges, *inter alia*, that Defendant violated Chapters 541 and 542 of the Texas Insurance Code in the investigation and handling of an insurance claim for alleged damages to Plaintiff's real property. Plaintiff also alleges breach of contract, and breach of the duty of good faith and fair dealing.

3. Defendant has attached hereto the documents required to be filed with this Notice of Removal.<sup>1</sup>

## II. JURISDICTION

4. Pursuant to 28 U.S. Code § 1441(a), Defendant removes this action to the District Court of the United States for the Western District of Texas, San Antonio Division, because it is the District and Division embracing the place where such action is pending. In support thereof, Defendant would show that this action is between citizens of different states, and the amount in controversy exceeds \$75,000.00.

### A. Diversity of the Parties

5. Plaintiff's Original Petition confirms that it is a citizen of Texas. Specifically, Plaintiff pleads that it "resides in Comal County, Texas".<sup>2</sup>

6. Defendant is not a citizen of Texas. Defendant is a Societas Europea incorporated in Germany and registered with the commercial register of the local court of Munich under number HRB 230278. Defendant's registered office is at Königinstraße 107, 80802 Munich, Germany.

---

<sup>1</sup> Plaintiff's Original Petition, attached hereto as Exhibit A; Return of Service, attached hereto as Exhibit B; Index of Matters Being Filed, attached hereto as Exhibit C; Copy of State Court Register of Actions, attached hereto as Exhibit C-1; Copy of Process, attached hereto as Exhibit C-2; List of All Counsel of Record, attached hereto as Exhibit C-3; and Civil Cover Sheet, attached hereto as Exhibit C-4.

<sup>2</sup> Exhibit A at page 1.

**B. Amount in Controversy**

7. As demonstrated herein by a preponderance of the evidence, it is apparent from Plaintiff's pleadings that the amount in controversy in this matter exceeds the jurisdictional minimum of \$75,000.00, exclusive of interest and costs. Plaintiff specifically pleads for monetary relief over monetary relief over \$100,000.00 but not more than \$200,000.00.<sup>3</sup>

**III. TIMING OF REMOVAL**

8. Defendant was served through its Registered Agent on August 25, 2017. This Notice of Removal is being filed within 30 days of service of Plaintiff's Original Petition upon Great Lakes pursuant to 28 U.S.C. § 1446(b), and is filed less than one year after commencement of the action, pursuant to 28 U.S. Code § 1446(c).

9. This Notice is therefore timely filed.

**IV. NOTICE TO ADVERSE PARTIES AND STATE COURT**

10. As the removing parties, Defendant will give Plaintiff prompt written notice of this Notice of Removal pursuant to 28 U.S.C. § 1446(d).

11. Defendant will also file a copy of this Notice of Removal with the 433<sup>rd</sup> Judicial District Court of Comal County, Texas., where the state court action is currently pending, as required by 28 U.S.C. § 1446(d).

**V. ANSWER**

12. Defendant has not filed any responsive pleadings in the state court action, except the Notice of Removal as required by the Federal Rules of Civil Procedure. Defendant will file an Answer to Plaintiff's lawsuit in this Honorable Court.

---

<sup>3</sup> *Id.* at page 14.

**VI. JURY DEMAND**

13. Defendant hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**VII. CONCLUSION AND PRAYER**

14. In light of the foregoing, Defendant respectfully removes this civil action styled *Laurel Heights Apartments v. Great Lakes Reinsurance (U.K.) PLC F/K/A Great Lakes Reinsurance (U.K.) SE*, originally pending as Cause No. C2017-1329D in the 433<sup>rd</sup> Judicial District Court of Comal County, Texas.

15. Defendant prays for such other and further relief, both general and special, at law and in equity, to which it may show itself justly entitled.

Respectfully submitted by,

/s/ Les Pickett  
Les Pickett (Lead Counsel)  
Federal I.D. No. 14306  
State Bar No. 15980520  
Juvie C. Cardenas  
Federal I.D. No. 939594  
State Bar No. 24052012

OF COUNSEL:

GALLOWAY, JOHNSON, TOMPKINS  
BURR & SMITH  
1301 McKinney Suite 1400  
Houston, Texas 77010  
(713) 599-0700 – Telephone  
(713) 599-0777 – Facsimile

**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of September 2017, a copy of the above and foregoing was filed electronically with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Robert A. Pollock  
Jake S. Rogiers  
KETTERMAN ROWLAND & WESTLUND  
16500 San Pedro, Suite 302  
San Antonio, Texas 78232

**ATTORNEYS FOR PLAINTIFF**

*/s/ Juvie C. Cardenas*  
\_\_\_\_\_  
Les Pickett (Lead Counsel)  
Juvie C. Cardenas